

## CALLAHAN EXHIBIT D

00001

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5 UNITED STATES DISTRICT COURT  
6 DISTRICT OF MASSACHUSETTS

7 C.A. NO. 04-11193NG

8 -----x  
9 SHAWN DRUMGOLD,  
10 PLAINTIFF

11 VS.

12 TIMOTHY CALLAHAN, ET AL,  
13 DEFENDANTS

14 -----x

15

16

17 DEPOSITION of PAUL F. CONNOLLY, a witness  
18 called on behalf of the Plaintiff, pursuant to the  
19 provisions of the Federal Rules of Civil Procedure, before  
20 Nancy M. Walsh, Certified Shorthand Reporter (#118593)/  
21 Registered Professional Reporter and Notary Public in and  
22 for the Commonwealth of Massachusetts, at the law office  
23 of Tommasino & Tommasino, Two Center Plaza, Boston,  
24 Massachusetts 02108, on Friday, January 5, 2007,  
commencing at 9:13 a.m.

25

26

27

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34

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1 Evans family, be they related to -- the Esau Evans people  
2 family were very generally nice people, affable,  
3 friendly. And the situation went to hell in hand basket  
4 upon that guilty verdict. Otherwise, nice people got  
5 very emotional, and as I say, all hell broke loose. I  
6 did not want her to get blind-sided -- Laura is a very  
7 unassuming quiet reserved young lady. I didn't want her  
8 to be kind of in an awkward position with them if  
9 something blew up basically.

10 Q And then going down to the third full paragraph, on the  
11 second page, towards the middle a sentence that says,  
12 "Since we had, in effect, relocated him" -- which I  
13 believe is referring to Ricky Evans. "Since we had, in  
14 effect, relocated him to a hotel, his family had gotten  
15 repeated inquiry from his 'friends' wondering where he  
16 was." Do you know what that refers to?

17 A Which part of the sentence?

18 Q "Relocated him to a hotel."

19 A The "we" is a collective we, we the District Attorney's  
20 office as opposed to we, her and I, because she would not  
21 have been involved in that nor was I. The second part --

22 Q What do you know about him being relocated to a hotel?

23 A I don't really have a particular memory of it now.

24 Q Did you relocate him to a hotel in connection with him

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1 being a witness in your case?

2 A No.

3 Q Do you know whether he was relocated to a hotel in

4 connection with him being a witness in the Tiffany Moore

5 case?

6 A No. I don't have a memory of it from back then, no.

7 Q It would be fair to say for some reason you believed that

8 when you wrote this memo in January of 1990 that he had

9 been relocated to a hotel by the DA's office?

10 A I'm sorry, say it again.

11 Q It would be fair to say in January of 1990, for some

12 reason you believe that Ricky Evans had been relocated to

13 a hotel. Is that a fair reading of this memo?

14 A I think it speaks for itself, yes.

15 Q Do you have any memory today of where you got that

16 understanding or how you got that understanding?

17 A I'm hesitant to answer absolutely yes. I have a vague

18 memory of it being Laura, but I can't -- I'm not

19 absolutely certain. So my answer should, for safety, be

20 no.

21 Q Fair enough. The vague memory is of something about

22 Laura arranging to relocate him to a hotel?

23 A No. The memory is of Laura indicating that at some point

24 to me in the context of this.

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1 Q Being the person that might have given you that

2 information?

3 A Yes, right.

4 Q But you're sure it wasn't you who relocated him to a

5 hotel?

6 MR. ROACHE: Objection.

7 A I'm positive it was not me, yes.

8 MR. REILLY: That's all I have. Thank you.

9 (Interruption by the stenographer.)

10 (A recess was taken at 9:58 a.m.)

11 (Resumed at 10:03 a.m.)

12 CROSS-EXAMINATION BY MR. CURRAN:

13 Q As you are aware, my name is Hugh Curran. I represent

14 retired Boston Police Detective Richard Walsh. I just

15 have some questions. How many murder cases did you

16 handle in your career?

17 A It was in excess of 250, 250 because -- and we stopped

18 counting, I stopped counting, overall. You're saying in

19 my career or a specific year? Overall 250, more than

20 250.

21 Q Do you recall back in 1988 and 1989 the workload relative

22 to the Suffolk County District Attorney's office Homicide

23 Division team leaders, the number of homicides they were

24 handling?

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1 A It had exploded -- it exploded here in Boston and  
2 throughout the country generally. It exploded here in  
3 Boston. We set records I think as the largest homicide  
4 rate in history of keeping data like that.

5 Q 1988 how many homicide investigations were you handling  
6 as an individual prosecutor in the Suffolk County DA's  
7 office?

8 A Let me separate -- I don't know. I can tell you how many  
9 I prosecuted. Often you would be investigating cases to  
10 which an arrest was not made or an identification was not  
11 made. I can tell you at that time span that that given  
12 time span it was 26 homicide cases disposed of.

13 Q In regards to 1988, you disposed of approximately 26  
14 homicide cases. That's from investigation stage to a  
15 verdict or a plea?

16 A Yes.

17 Q In addition to the 26 that you disposed of in 1988, how  
18 many other homicide cases were you spearheading the  
19 investigation of?

20 A Don't know. I honestly don't know. I had other cases.  
21 At that time, I was not handling just homicides. I had  
22 felonies, too, felony cases.

23 Q How many felony cases were you handling?

24 A No idea. You didn't keep stats of that.

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1 Q In regards to homicide investigations, do you have a

2 memory of more than five, less than five, other

3 investigations on top of the 26?

4 A I can't be certain. That number probably sounds about in

5 that range, but I don't know. I don't have a memory

6 today of that.

7 Q Were there records maintained in the Suffolk County

8 District Attorney's office in 1988 in regards to who was

9 assigned in handling investigations, unsolved murders?

10 A I'm sorry, the -- just repeat that, please.

11 Q I'll break it up. In 1988, were there records that were

12 kept in regards to the homicides that were assigned to

13 individual Assistant District Attorneys?

14 A Yes. There were always records maintained in that regard

15 be they assistants up in homicide or other people

16 handling homicides. Yes, records were maintained that

17 way.

18 Q Even in regards to the investigations that did not lead

19 to an indictment or an arrest?

20 A Are you asking whether there'd be data maintained

21 generally in that regard?

22 Q Yes.

23 A I can't answer it. I'm not trying to be evasive. There

24 were open cases, I'll call them open cases, that were not

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1 necessarily assigned to a specific assistant either in  
2 homicide or otherwise. Normally it would have been  
3 overseen preliminarily by either the head of homicide, be  
4 it John Kiernan or Frannie O'Meara or, quote, the number  
5 two person up in homicide. At one point when John was  
6 there, it would have been me. And when Frannie was  
7 there, I think it was Phyllis Broker. So that there'd be  
8 continuity or whatever.

9 Q Is it fair to say that the Suffolk County District  
10 Attorney's office by statute was in charge of all  
11 homicide investigations in 1988?

12 A It was unique to Suffolk County, yes, and I believe that  
13 to be so by statute, yes.

14 Q And when you were a team leader in 1988, did you report  
15 to anyone relative to any of the homicide cases that you  
16 were prosecuting?

17 A Explain "report" or define "report."

18 Q There were a number of individual Assistant District  
19 Attorneys that were assigned to the homicide team,  
20 Homicide Division within the Suffolk County DA's office  
21 in 1988?

22 A Up in homicide itself?

23 Q Yes.

24 A Yes.



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1 Q And those Assistant District Attorneys reported to the  
2 head of homicide, Francis O'Meara?

3 A At that time, it was Frannie, yes, that's correct.

4 Q And Frannie O'Meara had oversight in charge of those  
5 Assistant District Attorneys that were assigned to the  
6 Homicide Division?

7 A Correct.

8 Q And at the same time in 1988 and 1989, there were team  
9 leaders that were in charge of the felony teams  
10 throughout Suffolk County?

11 A Also handling homicides.

12 Q Yes.

13 A Yes.

14 Q The cases that were assigned to individual team leaders,  
15 did they report to Francis O'Meara, or did they handle  
16 their cases on their own?

17 A I'm having trouble with the use of the term "report." At  
18 all times, everyone would, if you had a homicide case,  
19 you would keep whoever the head of homicide was apprised  
20 of any new developments or the status of cases. That was  
21 constantly happening. It was just standard operating  
22 procedure for want of a better phrase. I don't think of  
23 it in terms of reporting. You weren't assigned to  
24 Frannie in reporting, you weren't -- in that sense, but

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1 you absolutely were required to keep him updated.

2 Q In regards to the progress of the case?

3 A Yes.

4 Q Did you have a civilian investigator in 1988 assigned to  
5 your felony team?

6 A I'm not certain that I had one assigned as such to my  
7 felony team. I don't believe that's correct. There were  
8 those available in general, but not specifically assigned  
9 that way.

10 Q Do you have a memory in regards to any particular  
11 civilian investigator that you would use in homicide  
12 cases?

13 A Absolutely I do, yes.

14 Q Who was that?

15 A Probably the best I've ever come in contact with, Richie  
16 DeMeo, but he was specifically assigned to homicide --  
17 specifically was his assignment. He would have done  
18 other investigations for other people such as say Tom  
19 Mundy on non-homicide cases.

20 Q Did you utilize the services of any other civilian  
21 investigators in 1988 and 1989?

22 A I believe so. I don't have a specific memory. We had --  
23 there were other civilians up there. Richie was the  
24 most -- Richie was the best. There were at various times

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1 others who were -- had that, quote, title. I don't know

2 if they had that ability.

3 Q Do you know whether or not Phil Beauchesne had an

4 investigator assigned to the Roxbury felony team that he

5 was the team leader on?

6 A I don't.

7 Q Do you know whether or not Phil Beauchesne worked closely

8 or directly with any particular civilian investigator?

9 A My memory is that if we had one, it would have been a

10 multiple team assignment, if that makes sense. We didn't

11 have one as part assigned -- assigned specifically as

12 part of my team. And my memory is I don't think he had

13 one specifically assigned to his team. You may have

14 shared the use of one, like sometimes you would a

15 secretary.

16 Q Did you use civilian investigators to go out and get

17 witnesses and bring them to the office for interviews or

18 bring them to court for appearances for testimony?

19 A Did I ever on any kind of a case?

20 Q In 1988 and 1989.

21 A I'm sure that I did, yes.

22 Q And were they in the same pool of investigators that you

23 were referring to, the civilian investigators?

24 A Yes, they generally were. The civilian investigators my

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1 memory is, I don't know the table of organization, a  
2 chart for that, but they generally connected up to  
3 homicide, generally. A couple may have been doing  
4 others, non-homicides. But when you say civilian  
5 investigators as such, it generally connected to  
6 homicide. Otherwise you were expected to use police.

7 Q You indicated that your offices were next to Phil  
8 Beauchesne's in 1988 and 1989?

9 A We were on the same floor. There was a small room -- we  
10 abutted each other, but there was a small room in between  
11 where they had the computer-backed switchboard and  
12 electronics in there. But we were on the same floor at  
13 the same end of the floor.

14 Q Was it your common practice in 1988 and 1989 that if --  
15 in regards to any case if you shared witnesses, material  
16 witnesses, that you would communicate between yourself  
17 and the other District Attorney handling the other case?

18 A Material witnesses, more likely than not. I just  
19 generally have to say more likely than not. You let  
20 somebody know about it. Or if you had a case and I had a  
21 case, we had a commonality, you'd in passing mention it.

22 Q And it's clear that back in 1988, '89 you were aware that  
23 Ricky Evans, a material witness in the Treas Carter case,  
24 was also a witness in the Drumgold case?

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1 A I don't have a memory of that today. When you -- could

2 you repeat your question? Maybe I misunderstood it.

3 Q In 1988 to 1989, you acknowledge that Ricky Evans was a

4 material witness in the Commonwealth versus Treas Carter?

5 A Absolutely, yes.

6 Q And in 1988 and 1989, you were aware that Ricky Evans was

7 also a witness in the Drumgold case?

8 A '88 or '89, perhaps I was. I don't have a memory of it

9 though.

10 Q Would it have been your practice if a material witness of

11 yours was a witness in another case that you would have a

12 conversation with the Assistant District Attorney

13 handling the other matter just to let them know that you

14 share a witness in common?

15 A It would come up if there were a problem. I mean you'd

16 do it very casually. It wasn't as though there was some

17 standard operating procedure, you know, a policy rule or

18 requirement to do it. It would come up in casual

19 conversation. Unless there were problems, then you'd

20 have, quote, team back. You'd get together in a

21 conference room and meet and talk about it.

22 Q What would you characterize as problems that would

23 require you to have a further more in-depth conversation?

24 A Well, if you had a situation where all of a sudden you

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1 didn't have a witness or if you had a situation where a  
2 witness was flip-flopping or a witness was being  
3 intimidated or if problems arose that something was going  
4 to interrupt your ability to try a case. It could be  
5 any -- it could be an illness or any number of reasons.

6 Q Would safety of a witness be an issue?

7 A Absolutely, always was.

8 Q And would homelessness of a witness potentially be an  
9 issue due to unavailability?

10 A Yes, but the -- "homelessness" is a funny term. But yes,  
11 it would be. You'd have to be able to know where they are  
12 to locate them. Accessibility I think I'd prefer to say,  
13 access.

14 Q Relative to the facts pertaining to the Commonwealth  
15 versus Treas Carter prosecution, how would you  
16 characterize the facts of the murder in your experience?

17 A In my case?

18 Q Yes.

19 A Chilly, I don't know his official name, but that nickname  
20 Chilly fit him. I don't have a memory of Ricky Evans if  
21 he was seated at the table. I'm not sure, other than  
22 looking at scars, if I'd remember him. Carter was --  
23 I'll always remember him and his eyes. He had kind of  
24 bug eyes, I mean poppy eyes that bulged out. He was a

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1 killer. There are people that kill.

2 Many homicides we had in that time frame were

3 stupid kids doing stupid things, doing a stick-up and

4 panicking and somebody ends up dead; getting in a gun

5 fight and not knowing what the hell they're doing, and

6 somebody ends up dead. And then there were people, not

7 often, there were some that were just stone-cold killers.

8 Carter was one. Carter -- it sounds trite, but Carter

9 was one of the Defendants that I prosecuted, there

10 weren't many, that you were in the presence of evil when

11 you were in his company, and he had that sense with me.

12 He was cold-blooded, Chilly Carter.

13 Q You just used the term "cold-blooded." Would you

14 characterize the murder of Willie Evans and the shooting

15 of Ricky Evans as cold-blooded execution?

16 A It was an execution. I believe it to be cold-blooded.

17 The one thing -- I don't know now, and we talked about,

18 "we" being homicide cops in general, talked about Carter

19 was on the lam, and you want to let any description of

20 him and tendencies let other people know. That was one

21 we wanted to let people know about. The other was during

22 the murder -- he was very cranked up. He was very hyper

23 during the killing. That's --

24 Q When you indicate that when Treas Carter was identified,

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1 he was on the lam, you want people -- to let them know  
2 about his description, his tendencies, and his actions,  
3 did you as a professional prosecutor have a concern about  
4 the safety of Ricky Evans, your material witness, during  
5 that time period before the time period he was located  
6 and arrested?

7 A Generally, yes. In general terms, yes.

8 Q Did you speak to -- when you interviewed Ricky Evans, did  
9 you speak to him about keeping a low profile and if  
10 anything was to occur to immediately contact the police  
11 or the District Attorney's office?

12 A Early -- I have a memory talking to him really early,  
13 early to the event and at which point I wasn't really  
14 able to communicate because he was under the influence of  
15 prescriptions or whatever. I normally would not make it  
16 a practice to plant the concerns of fear in a witness. I  
17 was with -- memory of that particular witness, Ricky  
18 Evans, was he was pretty forthright.

19 My experience in homicide cases, witnesses,  
20 Hey, I saw the whole thing, let me come and testify.  
21 That looks good in Hollywood. That rarely happened.  
22 Everybody was, I don't know nothing, basically was how it  
23 happened. It was always great reluctance. Ricky Evans  
24 made it either by words or -- Ricky was unusual in that



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1 he was not going -- he knew this Chilly Carter. There  
2 was some familiarity between them. He did not want  
3 Carter to think he was a chump I guess for want of a  
4 better -- that was unusual.

5 MR. KATZ: Just a minute.

6 (The witness conferred with his attorney off  
7 the record.)

8 A Go ahead.

9 Q Do you acknowledge that there were also two unidentified  
10 and two unnamed suspects that participated in the  
11 execution of Willie Evans and the shooting of Ricky Evans  
12 in this matter that you prosecuted?

13 A There were two other people, yes, with Chilly Carter.

14 Q And they were associates of Chilly Carter based on your  
15 investigation?

16 A They connected up with Chilly Carter, yes.

17 Q You're aware that Chilly Carter was running drugs from  
18 New York to Boston, and that was the basis of why the  
19 execution occurred because two women at that location  
20 were siphoning off some of the drugs and proceeds?

21 A It was believed that was the motive behind it all, yes.

22 Q Did you have a concern in regards to the safety of your  
23 material witness, Ricky Evans, due to the fact that there  
24 were two other unknown or unidentified suspects still out

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1 Q You can answer.

2 A I'm not sure -- if you could repeat it. Just repeat your

3 question.

4 Q Sure. In light of the facts of this case, the execution

5 of Willie Evans --

6 A Okay.

7 Q -- and the shooting of Ricky Evans, based on the

8 information that's contained in this memorandum that

9 Ricky Evans' whereabouts were being reported back to

10 Treas Carter and his compatriots, would you have taken

11 steps to relocate the witness?

12 MR. REILLY: Objection.

13 MR. KATZ: Are you asking him would he have

14 or did he?

15 MR. CURRAN: Would he have.

16 A If I understand your question to be if I felt that Ricky

17 Evans' personal safety was jeopardized somehow by friends

18 of Carter, would I have relocated him?

19 Q Yes.

20 A Yes, I would have.

21 Q And based on the memorandum that was drafted and sent to

22 Laura Scherz, the paragraph I just read, do you have a

23 memory that you or someone within the Suffolk County

24 District Attorney's office relocated Ricky Evans in the

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1 prosecution of Commonwealth versus Treas Carter?

2 A Do I have a specific memory of making arrangements to

3 relocate specifically Ricky Evans? No. I'm almost

4 positive I did not.

5 Q Based on this memo, you were aware of it back in 1989

6 that he was relocated?

7 MR. REILLY: Objection.

8 MR. KATZ: If you remember that.

9 A I don't remember that.

10 Q And you write, "Since we had, in effect, relocated him to

11 a hotel." Who are you referring to with "we"?

12 MR. REILLY: Objection.

13 A The pronoun "we" is a collective in that not meant to be

14 Laura and I as opposed to "we" being the Suffolk County

15 District Attorney's offices is how that "we" is to be --

16 Q The Suffolk County District Attorney's office relocated

17 him to a --

18 A -- right, or police, one or the other.

19 Q Based on this memorandum and the way it's written, the

20 Suffolk County DA's office had knowledge that he had been

21 relocated in 1989?

22 MR. REILLY: Objection.

23 A I'm not sure what your question is. You're asking me to

24 corroborate the contents of this?

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1 But John had dealt with the defense lawyer trying to make  
2 arrangements for a surrender or something like that, and  
3 there would have been -- he would have agreed to things.  
4 But generally it was whoever handled the assistant  
5 handling the specific case. From the point in time it  
6 was assigned to you, it was you.

7 Q And the assistant that was assigned the case upon  
8 assignment made all decisions relative to disclosures of  
9 reports, promises, rewards, and inducements, any other  
10 discovery that was dictated by pretrial conference report  
11 or by law or statute?

12 A Yes, if -- yes. You had cases that -- I indicated in a  
13 situation before you're assigned say the head may have  
14 had negotiations with the lawyer. But there were cases  
15 that people would -- there was transition in the office,  
16 that you may end up, unfortunately, have the experience  
17 of getting a case out in a trial session from some other  
18 assistant who had left the office. That could be awkward  
19 because they may or may not have and whatever.

20 Q But that's not the case when you have an assistant that  
21 was assigned the case pre-indictment, took the case to  
22 the Grand Jury, and ultimately prosecuted the case, that  
23 all responsibilities during that time period relative to  
24 disclosures rested solely with the assistant who was

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1 prosecuting the case?

2 A As a general proposition, that would be accurate.

3 Q Would you expect law enforcement police officers to make

4 determinations relative to what consisted of a promise,

5 reward, or inducement in any disclosures as such?

6 A Can you just repeat that?

7 Q Sure. In your experience, would you expect -- would you,

8 as an assistant handling a matter, expect law

9 enforcement, police officers, to make determinations

10 relative to discovery disclosures including promises,

11 rewards, and inducements for the other side?

12 A I don't think I can answer that yes or no.

13 Q Let me rephrase it then. If information was provided to

14 you relative to considering whether something actually

15 was a promise, reward, or inducement, who would

16 ultimately make that decision as the representative of

17 the Commonwealth in the prosecution of any criminal

18 matter?

19 A Who should make that would be the Assistant District

20 Attorney handling the individual case or a superior above

21 him.

22 Q And if certain factual representations were provided to

23 the Assistant District Attorney relative to default

24 removals, pending cases, safety concerns, and housing of

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1 witnesses, whose obligation was it to turn that

2 information over to defense counsel?

3 A It would be the obligation of the assistant handling the

4 case to provide any information he was aware or in

5 knowledge or possession of.

6 Q In your practice, you refer to an open-file policy. What

7 was -- would you describe what your practice was relative

8 to discovery?

9 A I didn't fight -- generally I didn't fight motions for

10 discovery. It had always been normally, not without

11 exception, but generally I found open discovery to be

12 preferred. It just made life easier, and you get down to

13 brass tacks quicker.

14 Q Was it something that you trained the Assistant District

15 Attorneys that you supervised relative to open

16 disclosure?

17 A Yes, I would -- yes, as a general proposition, that's --

18 at various times, things became issues that became

19 office-wide policy, if you will, that would be the

20 exception. The norm was just yes, give it up.

21 Q What was your relationship with -- what was your

22 relationship with the criminal defense attorney who

23 defended Treas Carter, your professional relationship?

24 A Joan Stanley?